

# **United States District Court**

**EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**ROBERT PATRICK MONFORT**

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**CASE NO. 4:07CR105**

## **REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 6, 2008 to determine whether the Defendant violated his supervised release. The Defendant was represented by Robert Arrambide. The Government was represented by Randy Blake.

Robert Patrick Monfort was sentenced on November 16, 2004, before The Honorable Harry Lee Hudspeth of the Western District of Texas after pleading guilty to the offense of Possessing with Intent to Distribute Marijuana, a Class B felony. Robert Patrick Monfort was subsequently sentenced to 27 months imprisonment followed by a three year term of supervised release. On August 10, 2006, Robert Patrick Monfort completed his period of imprisonment and began service of the supervision term.

On April 6, 2007 jurisdiction of this case was transferred to the Eastern District of Texas and the case was reassigned to the Honorable Richard A. Schell.

On September 26, 2007, the U. S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (Dkt. 2). The petition asserted that Defendant violated the following conditions of supervision: (1) The defendant shall not commit another federal, state, or local crime. (2) The defendant shall not unlawfully possess a controlled

substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the Court. (3) The defendant shall participate in a drug after care program as directed by the United States Probation Office as described in Paragraph 15 of the Standard Conditions of Supervision. (4) The defendant shall abstain from all alcoholic beverages during the term of his supervision. (5) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician. (6) The defendant shall not leave the judicial district without permission of the court or probation officer. (7) The defendant shall report to the Probation Officer and shall submit a truthful and complete written report within the first five days of each month.

The petition alleges that Defendant committed the following violations: (1) The defendant is in violation of his conditions of supervised release by committing the offense of Passing Counterfeit and Altered U. S. Currency; (2) The defendant submitted urine specimens that tested positive for methamphetamine on December 13, 2006, and January 23, 2007; (3) The defendant committed the offense of Driving While Intoxicated "Open Container" (Class B Misdemeanor); (4) The defendant submitted a urine specimen that tested positive for methamphetamine on December 14, 2006, and January 23, 2007; (5) The defendant failed to report for scheduled urine testing on January 11, 2007, January 15, 2007, January 19, 2007, January 25, 2007, and January 31, 2007; (6) The defendant left the District without permission as evidenced by his arrest in Salina, Kansas on March 24, 2007; (7) The defendant failed to report to the Probation Office in person since February 2007, and failed to submit monthly

report since January 2007.

The Defendant entered a plea of true to all violations. At the hearing, the Court recommended that Defendant's supervised release be revoked. At the hearing, the Defendant was informed of his right to object to the recommended sentence and Defendant waived any objections.

#### **RECOMMENDATION**

The Court recommends that the District Court revoke the Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, to run consecutively with any other sentence being served, with no supervised release to follow.

SIGNED this 10th day of March, 2008.

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE